

# Minutes

## Ordinary Meeting of Council

Monday, 28th May 2018



**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**28 May 2018**

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The meeting commenced at 7.02pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

**Present:** Cr Steve Staikos (Mayor)  
Cr Tamara Barth  
Cr Tamsin Bearsley  
Cr Ron Brownlees OAM  
Cr David Eden  
Cr Geoff Gledhill  
Cr George Hua  
Cr Georgina Oxley  
Cr Rosemary West OAM

**In Attendance:**

Mauro Bolin, General Manager Community Sustainability  
Paul Franklin, General Manager Corporate Services  
Daniel Freer, General Manager City Assets and Environment  
Jonathan Guttman, General Manager Planning and Development  
Tracey Cheeseman, Media Advisor  
Phil De Losa, Manager Governance  
Gabrielle Pattenden, Governance Officer  
Lindsay Holland, Facilities Officer

**1. Apologies**

An apology from the Chief Executive Officer, Mr John Nevins was submitted to the meeting.

**Moved: Cr Brownlees**

**Seconded: Cr West**

That the apology of the Chief Executive Officer, Mr John Nevins be accepted.

**CARRIED**

**2. Confirmation of Minutes of Previous Meetings**

**Moved: Cr Oxley**

**Seconded: Cr Gledhill**

That the Minutes of the Ordinary Meeting of Council held on 23 April 2018 and the Special Meeting of Council held on 14 May 2018 be confirmed.

**CARRIED**

**3. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest**

There were no Conflicts of Interest submitted to the meeting.

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**4. Petitions**

Loading Zone Proposal - Station Street Moorabbin

**Moved: Cr Hua**

**Seconded: Cr Barth**

That the petition be referred to the CEO for response.

**CARRIED**

**5. Presentation of Awards**

Junior Mayor

Junior Council

Victorian Coastal Award

**6. Reports from Delegates Appointed by Council to Various Organisations**

There were no delegates' reports.

**7. Question Time**

Question time took place at 8.15pm.

Refer to page 13 of the minutes

**Block Resolution**

**Moved: Cr Barth**

**Seconded: Cr Brownlees**

That the following items be block resolved and that the recommendations in each item be adopted:

- 8.2 Planning Compliance in the Green Wedge - Quarterly Report
- 10.1 Approval to Enter Into a New Lease on an Existing Telecommunication Site with Optus at Regents Park Aspendale
- 10.2 Approval to Enter Into a New Lease on an Existing Telecommunication Site with Optus at Mentone Reserve Brindisi Street Mentone
- 10.3 Draft Kingston Arts and Cultural Strategy 2018-2022
- 10.4 Response to Notice of Motion 57/2017 - Cr Gledhill - Traffic Movements in Parkdale
- 10.5 Applications to the State Government's World Game Facilities 2018/19, Community Sports Infrastructure 2019/2020 and Female Friendly Facilities 2018/19 Funding Programs
- 11.1 Response to Notice of Motion No. 51/2017 - Cr Gledhill - Code of Conduct Reports (regarding Councillor Behaviour)
- 11.3 Investment Portfolio Report - March 2018
- 11.4 Kingston Performance Report 2017/18 - Quarter 3, and Quarterly Financial Statements as at March 2018
- 11.6 Assembly of Councillors Record Report
- 11.7 Youth Advisory Committee - Terms of Reference

**CARRIED**

**8. Planning and Development Reports**

**8.1 Proposed Edithvale 24 Hour Dog Off Leash Area Consultation**

**Moved: Cr Eden**

**Seconded: Cr Oxley**

That Council commence the statutory advertising process to determine if a 24 hour dog off leash area on the Edithvale Foreshore, between Somme Lane and Bristol Avenue is appropriate.

**CARRIED**

**8.2 Planning Compliance in the Green Wedge - Quarterly Report**

**RECOMMENDATION**

That Council notes the information.

**Note:** Refer to page 5 of the Minutes where this item was block resolved.

**8.3 Amendment C163 - 19 Tarella Road, Chelsea**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

1. That Council request the Minister for Planning appoint a Panel under Part 8 of the Planning and Environment Act 1987 to consider and report on Amendment C163.
2. That a further report be brought back to Council following the conclusion of the Planning Panel process.
3. That all submitters to Amendment C163 be advised in writing of the above resolution.

**CARRIED**

**9. Community Sustainability Reports**

Nil

**10. City Assets and Environment Reports**

**10.1 Approval to Enter Into a New Lease on an Existing Telecommunication Site with Optus at Regents Park Aspendale**

**RECOMMENDATION**

That Council:

1. Authorise and direct the CEO or his delegate to publish a notice in accordance with Section 190 of the Local Government Act 1989 advising of Council's intention to enter into a lease with Optus Mobile Pty Ltd on the following terms:
  - Rent: \$32,500;
  - Review: Annual 3%;
  - Term: 20 years (5 + 5 + 5 + 5);
2. Appoint a Committee of Council pursuant to Section 223 of the Local Government Act 1989 comprising Councillors Eden, Oxley and Bearsley; General Manager City Assets & Environment; and Manager Property, Arts & Leisure Services which shall meet at 1230 Nepean Highway, Cheltenham on 10 July, 2018 at 4.30pm, or such other date if required to hear presentations from

parties who wish to be heard in support of their written submissions and report back to Council; and

3. In the event no submissions are received, authorise and direct the CEO or his delegate to execute a lease on the advertised terms and to the satisfaction of Council's Solicitor.

**Note:** Refer to page 5 of the Minutes where this item was block resolved.

**10.2 Approval to Enter Into a New Lease on an Existing Telecommunication Site with Optus at Mentone Reserve Brindisi Street Mentone**

**RECOMMENDATION**

That Council:

1. Authorise and direct the CEO or his delegate to publish a notice in accordance with Section 190 of the Local Government Act 1989 advising of Council's intention to enter into a lease with Optus Mobile Pty Ltd on the following terms:
  - Rent: \$40,000;
  - Review: Annual 3%;
  - Term: 20 years (5 + 5 + 5 + 5);
2. Appoint a Committee of Council pursuant to Section 223 of the Local Government Act 1989 comprising Councillors Brownlees, Gledhill and West; General Manager City Assets & Environment; and Manager Property, Arts & Leisure Services which shall meet at 1230 Nepean Highway, Cheltenham on 11 July, 2018 at 4.30pm, or such other date if required to hear presentations from parties who wish to be heard in support of their written submissions and report back to Council; and
3. In the event no submissions are received, authorise and direct the CEO or his delegate to execute a lease on the advertised terms and to the satisfaction of Council's Solicitor.

**Note:** Refer to page 5 of the Minutes where this item was block resolved.

**10.3 Draft Kingston Arts and Cultural Strategy 2018-2022**

**RECOMMENDATION**

That Council:

1. Receive and endorse the draft Kingston Arts and Cultural Strategy 2018 – 22 as attached at appendix 1 for the purpose of public consultation; and
2. Receive a further report following this consultation period.

**Note:** Refer to page 5 of the Minutes where this item was block resolved.

**10.4 Response to Notice of Motion 57/2017 - Cr Gledhill - Traffic Movements in Parkdale**

**RECOMMENDATION**

That Council:

1. Receive this report on traffic movements through the local area bounded by Keith Street, Victoria Street, Wild Street, Ellen Street, McSwain Street and Marriott Streets.
2. Authorise officers to consult with residents on a proposal to implement suitable traffic treatments such as speed humps, speed cushions and one-way narrow points in Imes Street, MacGregor Street, Victoria Street and Keith Street; with the intent to encourage walking and cycling through the area to reduce motor vehicle trips.

**Note:** Refer to page 5 of the Minutes where this item was block resolved.

**10.5 Applications to the State Government's World Game Facilities 2018/19, Community Sports Infrastructure 2019/2020 and Female Friendly Facilities 2018/19 Funding Programs**

**RECOMMENDATION**

That Council:

1. Endorse the submission of the following projects as applications to the State Government's World Game Facilities 2018/19, Community Sports Infrastructure 2019/20 and Female Friendly Facilities 2018/19 funding programs:
  - a) Major Facilities – Pavilion upgrade at Roy Dore Reserve, Carrum;
  - b) Minor facilities – Third green upgrade at the Moorabbin Bowls Club and minor pavilion upgrade at Le Page Reserve, Cheltenham;
  - c) Female Friendly Facilities – Dales Park Pavilion Development; and
  - d) World Game Facilities – Installation of hybrid synthetic turf at Edithvale Recreation Reserve and Keeley Park and installation of sports lighting at Jack Grut Reserve.
2. Refer the funding of applications to the State Government's World Game Facilities 2018/19, Community Sports Infrastructure 2019/20 and Female Friendly Facilities 2018/19 funding programs through the preparation of future Council budgets.

**Note:** Refer to page 5 of the Minutes where this item was block resolved.



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**10.6 Outcome Regarding Proposed Sale 6 Lochiel Ave Edithvale - Section 223  
Committee**

**Moved: Cr Bearsley**

**Seconded: Cr Oxley**

That Council:

1. Note the submission and officer report;
2. Thank the submitter for their submission, advising them of Council's decision;
3. Resolve to sell 6 Lochiel Avenue Edithvale by auction or private treaty (if passed in at auction) at no less than market value and on terms to the satisfaction of Council's legal advisors; and
4. Authorise the CEO or delegate to execute all required documents to give effect to this resolution.

**CARRIED**

**10.7 Mordialloc Lawn Bowls Request for Exemption from Leasing Policy  
Regarding the Proposed New Lease**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That consideration of this item be deferred until the next Ordinary Meeting of Council.

**CARRIED**

**10.8 Outcome of S223 to Enter into a New Lease with Mordialloc Sporting Club  
for Ben Kavanagh Pavilion**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council:

1. Note the submissions and this officer report;
2. Thank the submitters for their submission and where appropriate respond to their concerns; and
3. Authorise and direct the CEO or his delegate to execute the lease on the advertised terms resolved at the 26 February 2018 Ordinary Council meeting.

**CARRIED**

**10.9 The Sale of Part of Land Known as 548-558 Warrigal Road, Oakleigh  
South to Vic Roads**

**Moved: Cr Barth**

**Seconded: Cr Hua**

That Council, pursuant to Section 191 of the Local Government Act authorise and direct the CEO or his delegate to execute all required contracts to transfer part of 548-558 Warrigal Road, Oakleigh South as identified in attachment 2 to VicRoads for \$67,500 exclusive of GST.

**CARRIED**

**10.10 Waterways Maintenance Agreement Transition**

**Moved: Cr Bearsley**

**Seconded: Cr Oxley**

That consideration of this matter be deferred until the next Ordinary meeting of Council

**CARRIED**

**11. Corporate Services Reports**

**11.1 Response to Notice of Motion No. 51/2017 - Cr Gledhill - Code of Conduct  
Reports (regarding Councillor Behaviour)**

**RECOMMENDATION**

1. That the confidential designation of the following information be retained to be consistent with the procedure outlined in the Councillor Code of Conduct
  - Appendix 1 to Item 11.4, Ordinary Meeting of Council 27 February 2017
  - Appendix 1 to Item 11.3, Ordinary Meeting of Council 27 March 2017
2. That the confidential designation of the following matter be retained due to the employment, OHS and privacy implications
  - STOPLine report.
3. That the following matter remain confidential due to the employment, OHS and privacy implications
  - Councillor / Staff Member Conduct investigation

**Note:** Refer to page 5 of the Minutes where this item was block resolved.

**11.2 Recording of the Public Gallery at Council and Planning Committee Meetings**

**Moved: Cr Oxley**

**Seconded: Cr Barth**

1. That the the existing CCTV system in the Council Chamber be used to record the public gallery at Ordinary Council and Planning Committee meetings.
2. That the following actions be completed prior to implementing recording of the public gallery:
  - a. formalise procedures through policy and guidelines to respond to privacy principles requirements;
  - b. amend Council's Recording of Public Council Meetings Policy to include recording of the public gallery;
  - c. upgrade the sound component of the recording system; and
  - d. trial the capability of the system in terms of image, sound, recording and storage prior to implementation and report back to Councillors at a Councillor Information Session.

**CARRIED**

**11.3 Investment Portfolio Report - March 2018**

**RECOMMENDATION**

That Council note that its funds as at 31 March 2018 are invested in line with the risk management profile prescribed in Council's Investment policy.

**Note:** Refer to page 5 of the Minutes where this item was block resolved.

**11.4 Kingston Performance Report 2017/18 - Quarter 3, and Quarterly Financial Statements as at March 2018**

**RECOMMENDATION**

That Council receive the Kingston Performance Report 2017-18, Quarter 3 and the Quarterly Financial Statements.

**Note:** Refer to page 5 of the Minutes where this item was block resolved.

**11.5 Quick Response Grants**

**Moved: Cr West**

**Seconded: Cr Gledhill**

1. That Council approve the following grant applications:
  - Southern Mariners Under 12s Baseball Team - \$1000.00
  - Carers Respite Art Group - \$1000.00
  - Chelsea Concert Band on Behalf of Kingston Band Network - \$500.00
  - Edithvale Aspendale Junior Football Club - \$1800.00
  - TaskForce Community Agency - \$1000.00
2. That Council not approve the following grant applications:
  - Kelsey Cotton
  - Edithvale Primary School
3. That the application from Shoal Court Owners' Corporation be deferred to the June Ordinary Meeting of Council to allow officers to investigate the status of the land.

**CARRIED**

**11.6 Assembly of Councillors Record Report**

**RECOMMENDATION**

That Council note the contents of this report for the public record.

**Note:** Refer to page 5 of the Minutes where this item was block resolved.

**11.7 Youth Advisory Committee - Terms of Reference**

**RECOMMENDATION**

That Council adopt the Terms of Reference for the Youth Advisory Committee provided in Appendix 1.

**Note:** Refer to page 5 of the Minutes where this item was block resolved.

**Question Time**

**Simon Johnson of Parkdale asked:**

*Is there a proposal to reduce the speed limit to 40 km/h on Parkers Road in Parkdale? If so, what is the justification and why weren't the community consulted?*

**The General Manager Corporate Services provided the following response:**

*At the June 2016 Council Meeting, Council resolved to reduce the speed limit to 40km/hr on Parkers Road as part of the Parkdale Local Area Traffic Management Study following a period of community consultation in March 2016, having sent information to 497 residents, business and stakeholders in the study area and having received 20 plus responses.*

**Simon Johnson of Parkdale asked:**

*Given the lack of public housing, available land and Kingston Council's commitment to increasing population in the municipality, will Council give serious consideration to using parts of the green wedge for development? For example, reclaiming part of the swamp in Edithvale, Aspendale Gardens and Chiquita Park?*

**The General Manager Corporate Services provided the following response:**

*In the land zoned as Green Wedge, the Victorian Planning Provisions only permit the construction of one dwelling on each allotment. This has the consequence of not permitting the same patterns of development as would occur in urban areas. Council's position on the Green Wedge is well documented. The other sites identified in Edithvale, Aspendale Gardens and Chiquita Park are zoned Public Park and Recreation Zone, Urban Floodway Zone and Public Use Zone and in all these locations the use of land for accommodation is prohibited. Council has however resolved at its Ordinary Council Meeting on 11 December 2017 to undertake a Social and Affordable Housing Policy which will seek to respond to issues raised by Mr Johnson.*

**Simon Johnson of Parkdale asked:**

*Kingston Council is working with the South East Melbourne Councils Group with regards to a packaged liquor policy. Councillors raised issues around misuse of alcohol, family violence, services that deliver alcohol to residents' homes etc. Council has also opposed pokies, often linked to alcohol. There have been multiple officer reports. How do you explain promoting Council events where alcohol is present? How does Council explain its position on the Mentone Hotel? On one hand you are joining an alliance of councils against alcohol and then you turn around and promote it. When will Council adopt a firm position on alcohol?*

**The General Manager Corporate Services provided the following response:**

Council is required to consider each application that proposes the consumption or sale of alcohol on a case by case basis. In the instance of the Mentone Hotel, Council gave consideration to the historical use of the land and the feedback it received from the community in forming its position. Council's support of the alliance relates to above average access to packaged alcohol and the effect it has on local communities. Council's events ensure that all necessary permits are in place and Responsible Service of Alcohol is undertaken. Council's events reflect the expectations of the community without promoting the consumption of alcohol.

**12. Notices of Motion**

**12.1 Notice of Motion No. 11/2018 - Cr Oxley - Return Dog Home Policy**

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

That officers investigate and review Council's animal management policies and bring a report to Council with options and comments on the following points with the purpose of encouraging responsible ownership of pets in the City of Kingston:

- Implementation/Investigation of a Return Dog Home Policy whereby if dogs escape from their owner's property, that local laws officers will endeavour to return dogs home to their owners as the first available option.
- Clear advertising/providing information to dog owners about this policy.
- Investigation of a first offence option – whereby owners are not fined for their first dog escape offence – assuming the dog is registered, and is able to be returned home rather than taken to the pound.
- Addition of a second and third registered contact for the animal as an alternative contact/drop off point should the owner be un-contactable.
- Reduced dog registration for animals over 12 years old.
- Heavy duty, and more robust dog tags.
- Investigation of alternative 'pound' facilities in the local area to allow owners to re-unite with their animals sooner, and prioritise the wellbeing of the lost animal.
- The role of microchipping.

**CARRIED**

**12.2 Notice of Motion No. 12/2018 - Cr Oxley - NBN**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That Council:

1. Write to Sen. Mitch Fifield and NBN Co expressing Council's concern about the NBN works conducted within the City of Kingston – in particular; destroying and digging up footpaths, not re-instating footpaths and roadways and not providing notice to residents where their access to their houses or roadways is blocked.
2. A request a detailed roll-out calendar of dates and times when works will be undertaken in different areas of the municipality.
3. Seek an undertaking from NBN Co. that:
  - a. Residents will be informed at least 48 hours prior to works commencing of any road closures or blockages of driveways or private property access.
  - b. Where works will cause an immediate safety danger that Council and community assets will be restored within a 7 day time-frame to a satisfactory standard.
  - c. Where works will cause minor inconvenience that Council and community assets will be restored within a 4 week time-frame to a satisfactory standard.

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- d. At no point will NBN Co or their contractors put at risk the safety of human life – e.g. Dumping their rubble and tools over fire hydrant pits.

Cr Eden left the meeting at 8:46pm

**CARRIED**

**12.3 Notice of Motion No. 14/2018 - Cr West - Regents Park**

**Moved: Cr West**

That Council:

1. Investigate whether Council could purchase 1500 sq m of the adjacent former Rossdale Golf Course land (that has been recently sold to a developer) as a possible alternative site for the netball courts.
2. If that is not possible, to resolve to note publicly any agreements that has been made for relocation and reconstruction of the garden and include any such agreement that is available in the Council agenda as background to this notice of motion;
3. Commission a vegetation management plan for Regents Park similar to the plan for Groves Reserve (one of only three other Coastal Banksia Woodland remnants left in Kingston including Dents Paddock);
4. Officers prepare a report to hand management of the significant Coast Banksia Woodland remnant on this park (including the Jack Cuthbertson Memorial Garden) to Council's Natural Resource Areas team (if necessary transfer staff from the horticultural team to the natural resource areas team);
5. Officers prepare a report to apply for an Environment Significance Overlay for Regents Park and any remnant Coast Banksia Woodland or scattered Coast Banksia or River Red Gum trees on the adjacent golf course land and former golf course land to protect the remaining remnant vegetation.
6. Include the submission from former City of Chelsea Mayor Les Williams OAM in the Council agenda as background to this motion.
7. Officers provide Councillors with an estimated cost of the offset required for the clearance of native vegetation from the Jack Cuthbertson Memorial Garden, and that in the event that the clearance of native vegetation from the Jack Cuthbertson Memorial Garden goes ahead, officers endeavour to provide on-site offsets by means of a management plan to improve the management of the Coastal Banksia Woodland on the site as recommended in the Biosis report that accompanied the officer report.

**The Motion LAPSED for want of a Seconder**

**12.4 Notice of Motion No. 15/2018 - Cr Oxley - Local Law Amendment**

**Moved: Cr Oxley**

**Seconded: Cr Barth**

That in the interests of transparency, officers commence the process to amend Clause 26 of the Meeting Procedure Local Law to give effect to the following:

- An amendment to a motion proposed by a Councillor at a Council meeting that will commit the Council to expenditure in excess of \$25,000 and that has not been included in the adopted budget must call for an officer report for consideration by Council at a future meeting to determine whether to approve the expenditure.

Further that a report on this process be presented to the June Meeting cycle, with the view to commence the statutory process at the June Ordinary Meeting of Council.

Cr Hua left the meeting at 8:52pm  
Cr Gledhill left the meeting at 8:53pm  
Cr Hua returned to the meeting at 8:55pm  
Cr Gledhill returned to the meeting at 8:56pm  
Cr Eden returned to the meeting at 8:57pm

**Amendment**

**Moved: Cr West**

That in the interests of transparency, officers commence the process to amend Clause 26 of the Meeting Procedure Local Law to give effect to the following:

- An amendment to a motion proposed by a Councillor at a Council meeting that will commit the Council to expenditure in excess of \$25,000 and that has not been included in the adopted budget must call for an officer report for consideration by Council at a future meeting to determine whether to approve the expenditure unless there is a deadline that makes that decision urgent.

Further that a report on this process be presented to the June Meeting cycle, with the view to commence the statutory process at the June Ordinary Meeting of Council.

**The Amendment LAPSED for want of a seconder**

**Amendment**

**Moved: Cr Barth**

That in the interests of transparency, officers commence the process to amend Clause 26 of the Meeting Procedure Local Law to give effect to the following:

- An amendment to a motion proposed by a Councillor at a Council meeting that will commit the Council to expenditure in excess of \$25,000 and that has not been included in the adopted budget must call for an officer report, written comment or briefing for consideration by Council at a future meeting to determine whether to approve the expenditure.

Further that a report on this process be presented to the June Meeting cycle, with the view to commence the statutory process at the June Ordinary Meeting of Council.

**The Amendment was accepted by the Mover/Seconder**

**The Motion was CARRIED**



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**The resolution reads as follows:**

That in the interests of transparency, officers commence the process to amend Clause 26 of the Meeting Procedure Local Law to give effect to the following:

- An amendment to a motion proposed by a Councillor at a Council meeting that will commit the Council to expenditure in excess of \$25,000 and that has not been included in the adopted budget must call for an officer report, written comment or briefing for consideration by Council at a future meeting to determine whether to approve the expenditure.

Further that a report on this process be presented to the June Meeting cycle, with the view to commence the statutory process at the June Ordinary Meeting of Council.

**12.5 Notice of Motion No. 16/2018 - Cr Oxley - Woman of the Year Awards**

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

That officers prepare a report outlining options for a "Woman of the Year" Award to be presented at International Women's Day in 2019.

Further that this report be presented to Council in the June meeting cycle.

**CARRIED**

**12.6 Notice of Motion No. 17/2018 - Cr Brownlees - Mentone Bunnings Pedestrian Access**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That officers arrange a meeting with the owners of the Mentone Bunnings site and adjoining shopping centre and interested ward Councillors to discuss and determine on a possible solution to the lack of safe pedestrian and disability access from Nepean Highway and surrounding residential areas, and provide a report back to Council.

**CARRIED**

**12.7 Notice of Motion No. 18/2018 - Cr West - Mentone Hotel Reports to be Made Public**

**Moved: Cr West**

**Seconded: Cr Eden**

That in the interests of transparency, Council make public all reports, officer recommendations, resolutions, submitted amendments or Notices of Motion regarding the recently approved Mentone Hotel development application and all preceding applications for this site. Further that Council seek advice from its lawyers on what advice they would be happy to make public.

**CARRIED**

**12.8 Notice of Motion No. 19/2018 - Cr West - Neighbourhood Character  
Walking Tours**

**Moved: Cr West**

**Seconded: Cr Barth**

That in the interests of including as many interested residents as possible:

1. The deadline be extended to allow people attending self-guided walking tours to make submissions.
2. Officers provide an information sheet for Councillors to forward to interested residents to provide them with the necessary information about the Neighbourhood Character walking tours.

**CARRIED**

**Moved: Cr Barth**

**Seconded: Cr Bearsley**

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the meeting be closed to members of the public for the consideration of the following confidential items:

**14.1 Notice of Motion No. 13/2018 - Cr West - Engagement of Lawyers**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)*

**14.2 2016/17 CEO Performance Review**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to personnel matters (s89 2a)*

**14.3 KP17/832 - Bay Trail - Kitchener Street (Mentone Life Saving Club) to Rennison Street Parkdale - VCAT Compulsory Conference Position Sought**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to proposed developments (s89 2e)*

**14.4 CON 17-86 Contract Award Receipt of Recyclables**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to contractual matters (s89 2d)*

**Confidential Appendices**

**8.2 Planning Compliance in the Green Wedge - Quarterly Report  
Appendix 1, Green Wedge Spreadsheet for Council - update May 2018**

*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2h)*

**CARRIED**

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Cr Gledhill left the meeting at 9:29pm.

**Procedural Motion**

**Moved: Cr Barth**

**Seconded: Cr Eden**

That the order of business be altered to consider item 14.3 before item 13.

**CARRIED**

The meeting was closed to members of the public at 9.30pm.

**Procedural Motion**

**Moved: Cr Oxley**

**Seconded: Cr Brownlees**

That the meeting be opened to members of the public

**CARRIED**

The meeting was opened to members of the public at 9.37pm.

**13. Urgent Business**

**Moved: Cr Brownlees**

**Seconded: Cr Hua**

That an item of Urgent Business be considered in relation to recycling.

**CARRIED**

Cr Barth left the meeting at 9:38pm and did not return.

**Moved: Cr Brownlees**

**Seconded: Cr Eden**

That officers prepare a report and have discussions with adjoining/interested councils in developing a business case/coalition for the development of a locally based recycling facility.

**CARRIED**

**Procedural Motion**

**Moved: Cr Oxley**

**Seconded: Cr West**

That the meeting be closed to members of the public to consider the remainder of confidential items on the agenda i.e. items 14.1, 14.2 and 14.4.

**CARRIED**

The meeting was closed to members of the public at 9.39pm.

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**Moved: Cr Oxley**

**Seconded: Cr Brownlees**

That the meeting be opened to members of the public

**CARRIED**

The meeting was opened to members of the public at 9.48.

**Note:** Council resolved to make the resolution regarding Item 14.4 - CON 17-86 Contract Award Receipt of Recyclables not confidential. The resolution reads as follows:

**Moved: Cr Hua**

**Seconded: Cr Brownlees**

That Council:

1. Note the significant change in market conditions with respect to receipt, processing and sale of domestic recyclables in Australia;
2. Amend its 26 February 2018 resolution to award Contract No. 17/86 separable portion for Receipt of Recyclables to SKM Industries Pty Ltd schedule of rates contract on the basis of a now estimated total cost of \$3,060,000 for the first four year term of the contract;
3. Delegate the Chief Executive Officer or their representative to negotiate future financial contract variations in accordance with the terms of the contract and market conditions and for Council to consider a variation of a financial nature;
4. Authorise the Chief Executive Officer to execute documents for Contract 17/86; and
5. Resolve to make this resolution public and that the report remain confidential.

**CARRIED**

The meeting closed at 9.48pm.

**Confirmed.....**

**The Mayor 25 June 2018**